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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,153	10/15/2001	Shigeki Enoki	011375	9280

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/976,153	<b>Applicant(s)</b> ENOKI ET AL.	
	<b>Examiner</b> James A. Kramer	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Shirasaki et al.

Shirasaki et al. teaches a data transmission device according to the present invention includes one or more electronic cash registers (plurality of POS terminals) each of which is connected to the central processing (store server) unit through a communication line (means for transmitting transaction data to said store server). When a predetermined command signal is transmitted from the central processing unit to each of the electronic cash registers, each of the electronic cash registers is operated in response to the command signal (means transmitting transaction data to store server as transactions occur at each POS).

Moreover, according to the present invention, the central processing unit of the host computer in the head office is connected to each of the electronic cash registers in a branch store through one or more communication lines and when the electronic cash register receives a command signal sent from the central processing unit of the host computer in the head office, the electronic cash register acts according to the command signal mentioned above. Accordingly, one of a plurality of electronic cash registers can be remotely controlled by sending a command signal from the central processing unit of the host computer. Examiner notes that the command signal taught by Shirasaki et al. represents a means for instructing store server to cancel a

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transaction that occurs at another POS terminal. Examiner further notes that the POS terminal responding to the command signal represents a means for executing a transaction cancel instruction.

Examiner further notes that the communication line between the electronic cash registers and the central processing unit (POS and store server) represents a means for receiving a transaction cancel instruction from a POS terminal at the store server.

Examiner references Shirasaki et al. FIG. 3 which shows a composition of the division file 6a, wherein the data of one division is called 'record'. As shown in FIG. 3, one record consists of a plurality of sorting areas. The sorting area AR of the sales consists of a division code representing a kind of the division, the gross sales of goods in the division and the amount of the sales of the goods in the division. And in the rest of the sorting area AR, there are assigned a code of a group of the goods in the division such as fruits or vegetables, a code of the name of the division, a unit price of the goods of the division, the maximum of the gross sales and the number of the customers having bought a good in the division. Examiner notes that this represents store data relating to a POS's transaction (sorting the data) and thus being able to totalized that data based on this sorting procedure.

### ***Response to Arguments***

Examiner notes that Applicant has not offered any arguments with the RCE filed 10/14/05. However, as the same art and rejection are being Applied Examiner will address Applicant's arguments filed 3/17/05 which have been fully considered but they are not persuasive.

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Applicant asserts that the system of Shirasaki et al. fails to includes a means to query any other electronic cash register or store server.

Examiner disagrees. Shirasaki et al. specifically teaches a each electronic cash register includes a signal sending/receiving unit 3. (see column 3, lines 37-38 and figure 1).

Examiner asserts that a signal sending/receiving unit is a means for querying, as it includes a means to send a signal (query).

Further Examiner reminds Applicant that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Further, an apparatus claim covers what a device is, not what a device does (MPEP 2114). As such, Shirasaki et al. need only teach the capability to send a query (e.g. signal sending/receiving device) to anticipate Applicant's apparatus claims.

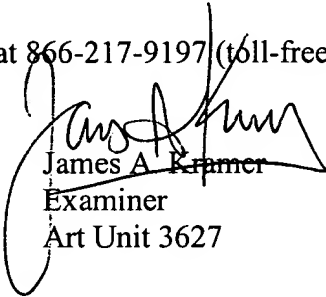
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
James A. Kramer  
Examiner  
Art Unit 3627

12/23/05

jak